



GOETZ FITZPATRICK LLP  
Attorneys at Law  
www.goetzfitz.com  
One Penn Plaza, New York, NY 10119 | (T) 212-695-8100 | (F) 212-629-4013

Joel G. MacMull

Ext. 339

[jmacmull@goetzfitz.com](mailto:jmacmull@goetzfitz.com)

December 16, 2010

**VIA ECF**

Hon. I. Leo Glasser, U.S.D.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Ascentive, LLC v. Opinion Corp. et al**  
**Civil Action No. 10-cv-04433**

Dear Judge Glasser:

We are counsel for defendants in the above-referenced matter. We write to the Court with respect to Ascentive's filing of December 14, 2010 (Dkt. No. 27), which, while styled as a "response" to the four-page bench brief of defendants filed on December 6<sup>th</sup>, is no less than a substantive reply brief not permitted to a party that is proceeding by way of a short-notice motion. Plaintiff orally requested leave to nonetheless file such a submission on December 7<sup>th</sup> and Your Honor explicitly denied that request.

Both the subject matter of this submission and its heft are entirely out of bounds. Within plaintiff's 17 pages, several are devoted to plaintiff's bribery and extortion claims—utterly unrelated to Mr. Coleman's short letter of December 6, 2010 responding only to the Court's question seeking legal precedent concerning the use of trademarks in sub-domain names.

Naturally the Court recognizes that plaintiff's submission goes well beyond what the Court authorized, and defendants trust that it will be considered accordingly. Nevertheless we are obliged to object to the submission in its entirety on the ground that it is an unauthorized reply brief filed in contempt of the Court's explicit ruling barring such a submission.

Respectfully Submitted,

GOETZ FITZPATRICK

A handwritten signature in blue ink, appearing to read 'Joel G. MacMull', written over a horizontal line.

Joel G. MacMull

cc: All Counsel (*via ECF*)